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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,894	07/25/2001	Sachin G. Deshpande	SLA 1074	9084
52894	7590	08/21/2006	EXAMINER	
KRIEGER INTELLECTUAL PROPERTY, INC.			OSMAN, RAMY M	
P.O. BOX 1073			ART UNIT	
CAMAS, WA 98607			PAPER NUMBER	
			2157	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/915,894	Applicant(s) DESHPANDE ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-13,15-19,21,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-13,15-19,21,24,25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to RCE amendment filed on July 6, 2006, where applicant amended claims 1,2,4,8-11,13,15-17,21,24, and cancelled claims 3 and 5. Claims 1,2,4,6-13,15-19,21,24,25 are pending.

Response to Arguments

2. Applicant's arguments filed 7/6/2006 have been fully considered but are not persuasive and are further moot in view of new grounds of rejection.
3. Applicant has argued the 112 first paragraph rejection of the limitation "additional parts do not comprise image data already sent in said representative part" as being inherent in pages 13-14 of the specification.

In reply, applicants arguments are a mere allegation of support in the specification. "Inherency" is an insufficient argument if it is not accompanied by an explanation detailing why and how it is inherent. Applicant has failed to show adequate support for this limitation. The cited portion of the specification only mentions scalability and does not mention "additional parts do not comprise image data already sent in said representative part".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1,13,21,24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not mentioned or disclosed “additional parts do not comprise image data already sent in said representative part” in the specification.

6. Claims 1,13,21,24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new limitations of “integral data units” lack support in the specification. There is no mention of “integral data units” and what these data units may contain.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. **Claims 1,2,4,6-9,11-13,15-19,21,24,25 rejected under 35 U.S.C. 102(a) as being anticipated by Gormish et al (“JPEG 2000: Overview” September 2000).**

9. In reference to claims 1,13,21 and 24, Gormish teaches a method and a corresponding image server for image transmission, said method comprising the acts of:

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hosting an image file on a server, wherein said image file comprises integral data units (IDUs) organized to enable image characteristic scalability (page 2 section 2.6 & 2.7 and page 3 section 4.1);

transmitting to a client a first set of said IDUs, wherein said first set of said IDUs form a representation of said image (page 3 section 4.1);

receiving at said server a selection of a customization of said image file based on said representation of said image (page 3 section 4.1);

parsing said image file on said server to determine an additional set of IDUs that may be combined with said initial set of IDUs to form said customization (page 3 section 4.1); and

transmitting said additional set of IDUs to said client (page 3 section 4.1);

wherein said additional set of said IDUs does not comprise said first set of said IDUs (page 3 section 4.1).

10. In reference to claim 2, Gormish teaches the method of claim 1 wherein said representation of said image is a low-resolution version of said image. (page 3 section 4.1)

11. In reference to claim 4, Gormish teaches the method of claim 1, wherein said customization selection comprises a selection from the group consisting of quality customization, scalability customization, resolution customization and region-of-interest (ROI) customization (page 1 section 2, page 3 section 4.1 and figure 2).

12. In reference to claims 6 and 18, Gormish teaches the method of claims 1 and 13 respectively, wherein said image file is a JPEG 2000 file (page section Abstract).

13. In reference to claim 7, Gormish teaches the method of claim 1 wherein said transmitting uses an HTTP transmission protocol. (page 3 section 4.1, HTTP is inherent in web browsing)

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14. In reference to claim 8, Gormish teaches the method of claim 1 wherein said customization selection comprises an image resolution below the maximum resolution available for said image. (page 3 section 4.1)

15. In reference to claim 9, Gormish teaches the method of claim 1 wherein said transmitting said additional set of IDUs comprises streaming said additional set of IDUs of said image file to said client (page 3 section 4.1).

16. In reference to claim 11, Gormish teaches the method of claim 1, wherein said first set of IDUs comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data (page 2 sections 2.6-2.8 and page 3 section 4.1).

17. In reference to claim 12, Gormish teaches the method of claim 1 wherein said client caches data received from said server. (page 3 section 4.1, it is inherent that the client would store the data received from the server).

18. In reference to claim 15, Gormish teaches the method of claim 13 wherein said customization selection comprises an image resolution below the maximum resolution available for said image. (page 3 section 4.1 and figure 2)

19. In reference to claim 16, Gormish teaches the method of claim 13 wherein said customization selection comprises quality scalability (page 3 section 4.1 and figure 2)

20. In reference to claim 17, Gormish teaches the method of claim 13 wherein said customization selection comprises a selected region of interest on said image (page 3 section 4.1 and figure 2)

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21. In reference to claims 19 and 25, Gormish teaches the method of claims 13 and 24 respectively wherein said transmitting uses an HTTP transmission protocol. (page 3 section 4.1, HTTP is inherent in web browsing).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Gormish et al (“JPEG 2000: Overview” September 2000) in view of Li, C et al (US Patent No 6,345,279).

24. In reference to claim 10, Gormish teaches the method of claim 1. Gormish fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Gormish by making the size of said representative part is relative to the bandwidth of the connection between said server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

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Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Marcellin et al, teaches "An Overview of JPEG-2000" where he discloses the JPEG 2000 standard and describes some capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
August 14, 2006


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